

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER TO SHOW CAUSE
CV 03-2596(ADS)(ARL)

AVINSTRO, LTD., et al.,

Defendants.

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LINDSAY, Magistrate Judge:

By order dated January 19, 2005, the undersigned granted counsel for the defendants application to be relieved as counsel. In the same order, the court directed each of the defendants to submit a status letter to the court by February 4, 2005, setting forth their intentions with respect to their representation. Specifically, the court directed the individual defendants to indicate whether they intended to proceed pro se and the corporate defendant to indicate whether or not it had retained new counsel. The court warned the corporate defendant that it could not appear without counsel, *see Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305 (2d Cir. 1991) (holding that 28 U.S.C. § 1654 precludes a corporation from appearing through a lay representative), and that its failure to obtain new counsel could result in a default judgment being entered against it. The defendants have not complied with the court's order and a review of the docket sheet indicates that the corporate defendant has not retained new counsel.

Accordingly, each of the defendants is directed to show cause, in a writing to be submitted to the undersigned by October 7, 2005, as to why the undersigned should not recommend that a default judgment be entered against the defendants. An oral response will not be accepted. The plaintiff and the defendant's former counsel are directed to serve a copy of this order upon the defendants at their last known addresses upon receipt. Proof of service on the defendants is to be electronically filed with the court.

Dated: Central Islip, New York
September 13, 2005

SO ORDERED:

/s/
ARLENE ROSARIO LINDSAY
United States Magistrate Judge